

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

JOSEPH W. HUNTER, TDCJ #1981619,)	
(prior Dallas County # 13034945),)	
Plaintiff,)	
vs.)	No. 3:15-CV- 2536-D
)	
DALLAS COUNTY SHERIFF)	
DETENTION BUREAU,)	
Defendants.)	

ORDER

After making an independent review of the pleadings, files, and records in this case, and the findings, conclusions, and recommendation of the magistrate judge, the court concludes that the findings and conclusions are correct. It is therefore ordered that the findings, conclusions, and recommendation of the magistrate judge are adopted.

In his objections, plaintiff maintains that the magistrate judge improperly counted a prior dismissal—No. 3:15-CV-2176-M—as a strike. He appears to contend that, without this dismissal, he did not have three strikes against him at the time he filed the present lawsuit. The court disagrees with plaintiff.


In her findings, conclusions, and recommendation, the magistrate judge referred to No. 3:15-CV-2176-M, but she calculated that plaintiff had at least three prior strikes based on other dismissals, including *Hunter v. Watkins, et al.*, No. 3:14-CV-1894-B (N.D. Tex. Feb. 10, 2015), *Hunter v. Watkins, et al.*, No. 3:14-CV-1817 (N.D. Tex. Jan. 6, 2015), and *Hunter v. Watkins, et al.*, No. 3:14-CV-1536-N (N.D. Tex. June 6, 2014). Accordingly, even if the court does not include No. 3:15-CV-2176-M as a prior strike, plaintiff has accumulated three strikes and is therefore subject to the three-strike bar of 28 U.S.C. § 1915(g).

Accordingly, plaintiff's application for leave to proceed *in forma pauperis* is denied. Unless,

no later than September 17, 2015, plaintiff files a signed complaint and pays the full \$400 filing fee, the court will dismiss this action under 28 U.S.C. § 1915(g).

SO ORDERED.

August 20, 2015.


SIDNEY A. FITZWATER
UNITED STATES DISTRICT JUDGE